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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,133	07/24/2001	Chih-Chuan Yen	PHTW000005	4004
24737	7590	07/01/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PIERRE, MYRIAM	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2654	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,133	YEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Myriam Pierre	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 February 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08/23/04 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicants arguments, see pages 1-5 filed 02/09/2005 have been fully considered and are persuasive in traversing the prior art rejections given in the Office Action of 11-30-2004. Applicants arguments with respect to claims 4-10 have been fully considered and are not persuasive. The rejection of claims 4-10 stands.

### **Response to Arguments**

2. The applicant's arguments have been fully considered by they are not persuasive for the following reasons:

The applicant attempts to traverse claims 4-10, arguing that Fischer et al. neither discloses nor suggests conflict of competing user, let alone at different microphones for speech input, however, as it pertains to claim 4-10, Momii teaches enabling the user to selectively designate which of several microphones is to be used as a signal source to a speech processor (selector or input designator selects microphones, col. 4, lines 28; thus, Momii teaches conflict because the input designator selects microphones to be activated, which avoids the conflict of two microphones being activated simultaneously).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (WO 95/06309) in view of Momii et al. (6,052,665).

As to claims 4-7 and 9-10 Fischer teaches

a speech processor for processing speech commands (transmits speech signals, so a speech processor is needed to process speech commands, page 8, lines 29-31).

a microphone arranged on remote control for enabling a user of said remote control to input said speech commands (remote control device includes a microphone, page 7, Lines 36-37).

Fischer does not teach a further microphone for enabling further users of the system to input speech commands.

However, McIntosh uses a microphone on an apparatus (col. 2, Lines 14-17), but does not mention a remote control.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use two microphones, Fischer's microphone on a remote and McIntosh's microphone on an apparatus as a further microphone, in analogy to the notoriously well known corresponding duplicate manual controls for a TV set, in order for multiple users to operate an apparatus.

One skilled in the art would have been motivated to use both microphones for multiple user interfaces with the apparatus.

Neither Fischer nor McIntosh teaches an input designation means for selecting microphones.

However, Momii teaches enabling the user to selectively designate which of several microphones is to be used as a signal source to a speech processor (selector or input designator selects microphones, col. 4, lines 28).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use Momii's switch to select microphones, from Fischer and McIntosh's respective remote and further microphone, in order to designate which microphone will be activated in order for the user to have flexibility in operating the voice remote at various locations. Therefore, one skilled in the art would have been motivated to give priority to the user of Fischer's remote control in order for the user to have flexibility in operating the apparatus without having to stand near the microphone on McIntosh's apparatus.

Neither Fischer, nor McIntosh nor Momii teach selecting microphone priority. At the time of the invention, it would have been obvious to one of ordinary skill in the art to give priority to a remote control in order for the user of the remote device be mobile and activate the microphone with the remote device from various locations.

As to claim 8, Fischer teaches a microphone in a remote control for enabling a user to input speech commands for processing by a speech processor

(remote control device includes a microphone for speech commands, page 7, lines 36-37).

McIntosh teaches a further microphone, and Momii teaches designating a microphone, as discussed under claims 4-7 and 9-10, above.

However, neither Fischer nor McIntosh nor Momii teach of a remote control having an input designation means for selecting microphones.

Official Notice is taken that at the time of the invention, was notoriously well known to have a toggle switch for designing microphones. It would have been obvious to one of ordinary skill in the art to design a switch to toggle between microphones on a remote control because of the convenience and flexibility of choosing a microphone remotely and not manually applying the control at the device itself.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP

06\21\2005



VIJAY CHAWAN  
PRIMARY EXAMINER